

YAZOO AND MISSISSIPPI VALLEY RAILROAD CO.  
*v.* JACKSON VINEGAR CO.

ERROR TO THE CIRCUIT COURT OF HINDS COUNTY, STATE OF  
MISSISSIPPI.

No. 57. Submitted November 13, 1912.—Decided December 2, 1912.

The statute of Mississippi imposing a penalty on common carriers for failure to settle claims for lost or damaged freight in shipment within the State within a reasonable specified period is not unconstitutional under the Fourteenth Amendment, as depriving the carrier of its property without due process of law or as denying it the equal protection of the laws, as to claimants presenting actual claims for amounts actually due.

It is within the police power of the State to provide by penalty for delay a reasonable incentive for prompt settlement without suit of just demands of a class admitting of special legislative treatment; in this case of claims against common carriers for damage to goods shipped between two points within the State.

This court deals with the case in hand and not with imaginary ones; and if a state statute is constitutional as against the class to which the party attacking it belongs, it will not consider whether the same statute might be unconstitutional as applied to other classes not before the court.

*Quare*, and not now to be decided, whether the statute now sustained as constitutional as against the party attacking it would be void *in toto* if unconstitutional as against other classes who have not yet attacked it.

THE facts, which involve the constitutionality of a statute of Mississippi imposing penalties on common carriers for failure to settle claims for damage to goods in shipment within the State, are stated in the opinion.

*Mr. Edward Mayes* and *Mr. Charles N. Burch* for plaintiff in error.

*Mr. William H. Watkins* for defendant in error.

Syllabus.

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hold that, as applied to cases like the present, the statute is valid. How the state court may apply it to other cases, whether its general words may be treated as more or less restrained, and how far parts of it may be sustained if others fail are matters upon which we need not speculate now. *Hatch v. Reardon*, 204 U. S. 152, 160; *Lee v. New Jersey*, 207 U. S. 67, 70; *Southern Railway Co. v. King*, 217 U. S. 524, 534; *Collins v. Texas*, 223 U. S. 288, 295; *Standard Stock Food Co. v. Wright*, 225 U. S. 540, 550.

The judgment is accordingly

*Affirmed.*

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